

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDTECH PRODUCTS, INC.,

Plaintiff,

v.

RANIR, LLC, et al.,

Defendants.

MEDTECH PRODUCTS, INC.,

Plaintiff,

v.

DENTEK ORAL CARE, INC.,

Defendant.

MEDTECH PRODUCTS, INC.,

Plaintiff,

v.

POWER PRODUCTS, INC.,

Defendant.

**DEFENDANT DENTEK'S PRELIMINARY PROPOSED CONSTRUCTION
OF CLAIM 17 OF THE '051 PATENT**

Defendant DenTek Oral Care, Inc. ("DenTek") hereby provides its preliminary proposed construction for each claim term or phrase of claim 17 of U.S. Patent No. 6,830,051 (the "'051 patent"), which the parties have identified for claim construction purposes. The parties have agreed and the Court has ordered the parties to exchange claim construction information by June 22, 2007.

DenTek's investigation in this matter is ongoing and Medtech has not yet disclosed to DenTek its construction of terms, phrases, or elements, or any intrinsic or extrinsic evidence Medtech contends supports its constructions. DenTek expressly reserves the right to supplement or modify its proposed constructions and extrinsic evidence based upon this information as well as subsequent discovery and/or investigation.

07 CV 03302-UA-LMS

Claim 17 of the '051 as issued reads as follows:

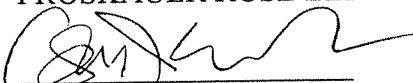
17. A method of fabricating an interocclusal appliance for alleviation of the adverse effects of bruxing or clenching events, the method comprising the steps of:

- a) molding and appliance base from a resin having a Vicat softening temperature of at least 70°C and a Shore A hardness of at least 80; and
- b) molding over the base an impression preform from a resin comprising an ethylene vinyl acetate copolymer having approximately 30% by weight vinyl acetate.

Term or Phrase to be Construed	Preliminary Construction
an interocclusal appliance	a device that prevents full occlusion of all teeth
bruxing	grinding of the teeth
clenching	closing teeth tightly
molding and appliance base	<p>as written, this claim is indefinite, vague, and unclear in the recitation of the phrase "molding and appliance base"</p> <p>"molding" means forming a thermoplastic material into a particular shape by injecting the thermoplastic material into a mold</p> <p>"appliance base" means a structure in which the thickness thereof is not significantly reduced by compressive forces applied by biting</p>
a resin	a synthetic organic compound consisting of a noncrystalline solid or viscous liquid substance
having a Vicat softening temperature	a temperature at which a flat-ended needle penetrates the hardened resin to the depth of 1 mm under a specific load when the hardened resin is heated
of at least 70°C	a temperature of 70.0°C or more
a Shore A hardness	a measurement of the extent of indentation of a hardened resin by the action of a Shore A durometer
of at least 80	a Shore A hardness of 80 or more
molding over the base	contacting a heated resin with the entire upper surface of the appliance base
an impression preform	a hardened resin structure containing a channel with curving sides and a flat bottom, and a footing that extends from a horizontal upper surface of the base to

Term or Phrase to be Construed	Preliminary Construction
a resin	the channel face <i>See definition above.</i>
comprising an ethylene vinyl acetate copolymer	a single type of heteropolymer containing ethylene hydrocarbons interspersed with acetate groups, which does not include a mixture of two different types of such heteropolymers
having approximately 30% by weight vinyl acetate.	having at least 27.0% by weight vinyl acetate but not more than 33.0% by weight vinyl acetate

Dated: June 22, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2007, I caused a true and correct copy of **DEFENDANT DENTEK'S PRELIMINARY PROPOSED CONSTRUCTION OF CLAIM 17 OF THE '051 PATENT** to be served upon the following parties by mail:

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